

*Holwell 15*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CARLOS CRUZ, as Father and Next Friend )  
of STEPHEN CRUZ, )  
 )  
Plaintiff, )  
 )  
-against- )  
 )  
THE CITY OF NEW YORK; RAYMOND KELLY, )  
COMMISSIONER OF THE NEW YORK CITY )  
POLICE DEPARTMENT; JOEL KLEIN, )  
COMMISSIONER OF THE NEW YORK CITY )  
DEPARTMENT OF EDUCATION; SCHOOL )  
SAFETY AGENT DANIEL O'CONNELL, Shield )  
No. 2816; PATROL BOROUGH QUEENS SOUTH )  
SCHOOL SAFETY DIVISION SUPERVISOR )  
ANTHONY PELOSI, Shield No. 0049; JOHN )  
DOES; RICHARD ROES, )  
 )  
Defendants )  
-----X

**STIPULATION AND  
ORDER OF  
COMPROMISE**

**ECF CASE**

**08 Civ. 10055 (RJH)(MHD)**

SEARCHED  
SERIALIZED  
INDEXED  
FILED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
OCT 20 2009  
CLERK'S OFFICE  
EAST RIVER  
FILED: 10/19/09

Upon the declarations of Carlos Cruz, the adult plaintiff herein, signed on September 23, 2009, and the declaration of Jeffrey A. Rothman, Esq., lead attorney for plaintiff herein, signed on September 25, 2009, and due deliberation having been had thereon, and upon consideration of the issues and claims in the litigation, the proffers of evidence, and the discussions related to settlement in resolution of this case, and it appearing that the best interest of the minor plaintiff, Stephen Cruz, would be served by approval of the proposed compromise in settlement, now, on the motion of Jeffrey A. Rothman, lead attorney for the infant plaintiff herein, it is hereby:

ORDERED, that the plaintiff, Carlos Cruz, is authorized and empowered, in the interest of his son, Stephen Cruz, born December 24, 1992, to settle and compromise his claims against defendants City of New York, Raymond Kelly, Joel Klein, Daniel O'Connell, and Anthony Pelosi for the sum of \$55,500.00 (fifty-five thousand, five hundred dollars) exactly (the

"Settlement Amount"), in full satisfaction of all claims, inclusive of costs, expenses, and attorneys' fees; and it is further,

ORDERED, that of the Settlement Amount, the sum of \$18,500.00 (eighteen thousand, five hundred dollars), is to be received by Jeffrey A. Rothman, Esq. and Ronald L. Kuby, Esq. as attorneys' fees<sup>1</sup>, and \$423.00 (four hundred twenty three dollars) will be received by counsel as reimbursement for out of pocket costs and disbursements which have been incurred on plaintiff's behalf in prosecuting the above-entitled lawsuit; and it is further

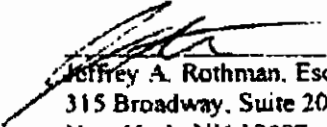
ORDERED, that of the Settlement Amount, the sum of \$36,577.00 (thirty-six thousand, five hundred seventy seven dollars) is to be received by infant plaintiff Stephen Cruz, which is to be deposited into an interest bearing savings account at Emigrant Savings Bank located at 261 Broadway, New York, New York where it will be held for him until his 18<sup>th</sup> birthday; and it is further,

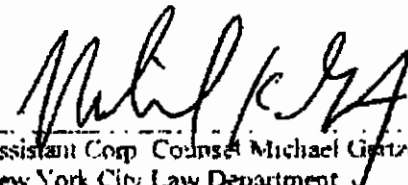
ORDERED, that this Court retains jurisdiction of this action for enforcing this infant compromise order and for enforcing the terms of the underlying settlement.

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<sup>1</sup>The Court finds this award of attorneys' fees reasonable in light of the time required, the novelty of the issues, the benefits received by the client and the uncertainty of compensation.

Dated New York, New York  
October 8, 2009

  
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Attorney for Defendants

10/19/09

  
Honorable Michael H. Dolinger, U.S.M.J.  
(On consent of the parties)